IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FOURTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

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WRIT PETITION No.22414 of 1998

Between:

Aarepally Venkataramaiah, S/o. Venkataswamy, aged 45 years,
Sathupalli, Khammam District.

..... PETITIONER

AND

1 The Government of Andhra Pradesh, rep.by its Secretary,

School Education, Secretariat Buildings, Hyderabad.
2 The Director of School Education, A.P., Hyderabad.
3 The Regional Joint Director of School Education, Warangal.
4 The District Educational Officer, Khammam District.
5 The Mandal Education Officer, Sattupalli, Khammam District.
6 The Dy.Inspector of School, Sattupally, Khammam District.
7 The Head Master, Zilla Parishad Girls High School,
Sattupalli, Khammam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ order or direction more particularly one in the nature of writ of mandamus declaring the provisions of A.P. School Education (Community participation) Act, 1998 from Sections 4 to 14 as subversive of Constitution and violating Articles 14 & 30 of Constitution of India and issue a consequential directions to the respondents not to enforce the above provision of the act to the 7th respondent institution.

Counsel for the Petitioner: MR.BADANA.BHASKARA RAO

Counsel for the Respondent Nos.1 to 6: GP FOR EDUCATION

Counsel for the Respondent No.7: None appeared

The Court made the following:

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ORDER:

On the eve of elections to the School committee of Z.P. Girls High School, Sattupalli for electing the school committee in accordance with Section 5 (1) of A.P. School Education (Community participation) Act, 1998 (for brevity, the Act), the present writ petition is filed challenging virus of the said enactment.

This Court while admitting the writ petition passed interim orders on 06.8.1998 in W.P.M.P. No.26931 of 1998 staying the elections. In that view of the matter, the consequential relief insofar as conducting elections has become infructuous, as the term of election committee, as per Section 5 (4) of the Act, is only for a period of two years. In this background, the question whether the impugned Act is valid or not is academic at this juncture. Leaving the said question open, the writ petition is dismissed as infructuous.

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V.V.S. RAO, J

November 4, 2004.

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To

1 The Secretary, School Education, Government of Andhra Pradesh,

Secretariat Buildings, Hyderabad.

2 The Director of School Education, A.P., Hyderabad.

3 The Regional Joint Director of School Education, Warangal.

4 The District Educational Officer, Khammam District.

5 The Mandal Education Officer, Sattupalli, Khammam District.

6 The Dy.Inspector of School, Sattupally, Khammam District.

7 Two CCs to the Government Pleader for Education,

High Court Buildings, Hyderabad (O.U.T).

8 Two C.D. Copies.